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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/724,122	12/01/2003	Wittich Kaule	KAUL3003DIV/JEK	9911
23364	7590	05/28/2004	EXAMINER	
BACON & THOMAS, PLLC 625 SLATERS LANE FOURTH FLOOR ALEXANDRIA, VA 22314			EICKHOLT, EUGENE H	
			ART UNIT	PAPER NUMBER
			2854	

DATE MAILED: 05/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/724,122	Applicant(s) KAULE, WITTICH	
	Examiner Eugene H Eickholt	Art Unit 2854	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>12-1-03</u> . | 6) <input type="checkbox"/> Other: ____. |

Claims 1-6 are rejected under 35 U.S.C. 102(e) as being anticipated by Weichmann et al.

Column 3, lines 48-52, col. 4, lines 4 -13 and col. 6 lines 15-23 teach recycling. A laser is used to form the image as recited in claims 3 and 6. See col. 4, lines 28-34. A thermoplastic is used to fill the screen cells as recited in claim 2. See col. 4, lines 28-31. The base screen is a raw form filled with the thermoplastic. See col. 3, lines 43-60. Line 47 refers to a blank and line 53 to "prestructured gravure blank form". Col. 4 lines 2-3 refer to a printing step. Uniformly arranged depressions as recited in claim 1 are taught at col. 7, lines 24-25.

A lacquer as recited in claim 1 is used to fill the depressions. See col. 8, lines 28-30. Intermediate drying of the lacquer is taught at col. 8, lines 28-30 which anticipates claim 4. Claim 5 limitations have been addressed in the explanation of the claim 1 rejection.

Claim 7 calls for a drying device for the lacquer. The col. 8, line 28 teaching of intermediate drying using radiation (line 32) requires a drying device.

Claims 1, 5, 8 and 9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, page 12 of the specification provides basis for UV curing of lacquer. No basis is formed in the specification for UV curing of ink. See also pages 5 and 10. Only lacquer or thermoplastics were disclosed as covering the screen completely.

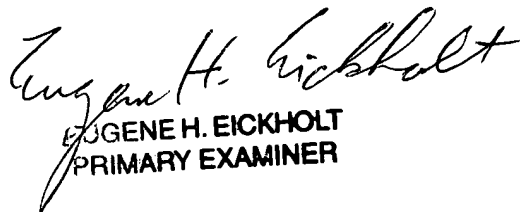
The phrase "or ink" and "or ink layer" as used in claim 5 needs to be deleted to make claim 8 allowable upon being rewritten in independent form. To make claim 9 allowable claims 1, 5 and 7 need "or ink" replaced with "or thermoplastic" as only thermoplastic at page 12 was disclosed as being subjected to 1R radiation. Note if the ink were cured how could it then transfer?

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

A shortened statutory period of 3 months is set to respond.

Eickholt/ds

05/03/04.


EUGENE H. EICKHOLT
PRIMARY EXAMINER